

## **REMARKS**

Reconsideration of this application is respectfully requested. Claims 1, 5-7 and 12 have been amended. Claims 13-17 have been canceled without prejudice.

### **Amendments to the Specification**

Applicant has amended the specification to place the title on top of the first page of the specification.

### **Objection to Lack of Summary**

The Office Action requested that Applicant add a "Summary of the Invention" description to the application. However, Applicant would like to kindly point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicants were to elect to include one.

In particular, 37 C.F.R. §1.73 only states that "[a] brief summary of the invention ... should precede the detailed description." 37 CFR § 1.73 does not state "must" or "shall." Accordingly, Applicant has elected not to include a "Summary of the Invention" as this is within the discretion of Applicant.

### **Claim Objections**

Applicant has amended claims 1 and 7 to replace "machine-readable medium" with "computer-readable medium", as required by the Examiner to correct informalities.

### **Claim Rejection Under 35 U.S.C. § 102(e)**

Claims 1-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,699,125 B2 by Kirmse. ("Kirmse"). Applicants reserve the right to swear behind Kirmse at a later date.

#### Claims 1-4

Applicant respectfully submits that claim 1 is not anticipated by Kirmse. Claim 1 recites:

A computer-readable medium including machine-readable instructions which, when executed by a computer system, cause the computer system to perform a method comprising:  
    broadcasting a gaming invitation from a host;  
    enabling the host to play a first game with an invitee in response to the invitee accepting the gaming invitation; and  
    enabling the host to at least one of accept or reject a request to join the first game from an uninvited guest.

(Claim 1, as amended) (Emphasis Added).

In contrast, Kirmse does not teach or suggest enabling the host to accept or reject a request to join the first game from an uninvited guest, as claimed. Kirmse discloses a game server that includes logic for coupling a game client to a messenger client to allow the game client to send the messenger client data used to initiate joining a game. (Kirmse, Abstract). The game server further includes logic to initiate a join of a game at an invitee client. (Kirmse, Figure 4, S9-S11; claim 1). Kirmse does not disclose and therefore, does not teach or suggest an uninvited guest requesting to join the game and enabling the host to accept or reject such a request.

Kirmse does not teach or suggest each and every element of claim 1 and therefore, does not anticipate claim 1 and associated dependent claims 2-4.

#### Claims 5- 6

Applicant respectfully submits that claim 5 is not anticipated by Kirmse. Claim 5 recites:

A system comprising:  
a processor to execute a game;  
a display to provide video feedback associated with the game; and  
a memory region including instructions which, when executed by the processor, cause the system to transfer a host privilege from a host to a player in response to the host signing off the game.

(Claim 5) (Emphasis Added).

In contrast, Kirmse discloses that “if allowed by a game, an invitee might be an invitee in one instance and later be an inviter.” (Kirmse, col. 5, lines 50-51). However, Kirmse is silent about and does not teach or suggest transferring a host privilege from a host to a player in response to the host signing off the game.

Kirmse does not teach or suggest each and every element of claim 5 and therefore, does not anticipate claim 5 and associated dependent claim 6.

#### Claims 7-11

Applicant respectfully submits that claim 7 is not anticipated by Kirmse. Claim 7 recites:

A computer-readable medium including machine-readable instructions which, when executed by a computer system, cause the computer system to perform a method comprising:  
determining that a game is in progress; and  
joining the game if a host of the game accepts a request to join the game.

(Claim 7, as amended) (Emphasis Added).

In contrast, Kirmse discloses that the inviter sends out an invitation, which the invitee may accept. Kirmse is silent about and does not teach or suggest joining the game

if a host of the game accepts a request to join the game because it does not teach or suggest sending a request to join the game to the host of the game.

Kirmse does not teach or suggest each and every element of claim 7 and therefore, does not anticipate claim 7 and associated dependent claims 8-11.

#### Claim 12

Applicant respectfully submits that claim 12 is not anticipated by Kirmse. Claim 12 recites:

A system comprising:  
a processor to execute a game; and  
a memory region including instructions which, when executed by the processor, cause the system to enable a user to at least one of accept or reject a broadcast gaming invitation from a host computer according to a predefined condition, wherein the predefined condition is one of a time of day, type of game, identity of the host computer, configuration of the host computer, location of the system, or location of the host computer.

(Claim 12, as amended) (Emphasis Added).

In contrast, Kirmse discloses that the invitee can indicate whether he is available to accept or reject a gaming invitation by changing a state. For e.g., a state “out of game” indicates that the invitee is no longer active in the game. Other states include “available”, “invisible”, “unavailable”, “playing a game”, etc. (Kirmse, col. 8, lines 30-44). Thus, Kirmse does not teach or suggest causing the system to enable a user to accept or reject an invitation according to the time of day, type of game, identity of host computer, configuration of the host computer, location of the system, or location of the host computer, as claimed.

Kirmse does not teach or suggest each and every element of claim 12 and therefore, does not anticipate claim 12.

### **SUMMARY**

Claims 1-12 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

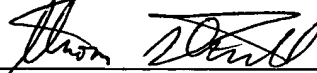
If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Tom Ferrill at (408) 720-8300.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Dated: December 30, 2005

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP



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Thomas S. Ferrill  
Attorney for Applicant  
Registration No. 42,532

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300